



**Homeland
Security**

Privacy Office, Mail Stop 0655

August 20, 2019

SENT BY ELECTRONIC MAIL TO: foia@americanoversight.org

Austin R. Evers
Executive Director
American Oversight
1030 15th Street, NW
Suite B255
Washington, DC 20005

Re: 2019-HQFO-00958

Dear Mr. Evers:

This is the electronic final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated July 3, 2019, and received by this office on July 3, 2019. You are seeking a copy of the memorandum referenced in and attached to the email Brandon Wales sent to Nader Baroukh on February 9, 2018 at 9:00 AM with subject "8 U.S.C. § 1373 (c)" produced by DHS in response to DHS FOIA Case Number 2018-HQLI-00017.

A search of Office of Chief Information Officer (CIO) for documents responsive to your request produced a total of 3 pages. Of those pages, I have determined that all 3 pages of the records are withheld in their entirety pursuant to Title 5 U.S.C. § 552 (b)(5).

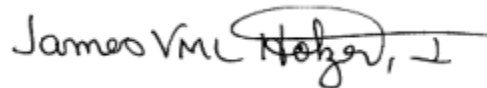
FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, I determined that the responsive documents qualify for protection under the Attorney Work-Product Privilege.

The attorney work-product privilege protects documents and other memoranda prepared by an attorney in contemplation of litigation.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter, to: Privacy Office, Attn: FOIA Appeals, U.S. Department of Homeland Security, 245 Murray Lane, SW, Mail Stop 0655, Washington, D.C. 20528-0655, following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.8. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS FOIA regulations are available at www.dhs.gov/foia.

If you need any further assistance or would like to discuss any aspect of your request, please contact the analyst below who processed your request and refer to **2019-HQFO-00958**. You may send an e-mail to foia@hq.dhs.gov, call 202-343-1743 or toll free 1-866-431-0486, or you may contact our FOIA Public Liaison in the same manner. Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

A handwritten signature in black ink that reads "James VML Holzer, J." with a stylized flourish at the end.

James Holzer
Deputy Chief FOIA Officer